EXHIBIT 5

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FLYERS RIGHTS EDUCATION FUND, INC, *et al.*, t Plaintiffs, v. FEDERAL AVIATION ADMINISTRATION, Defendant.	)	Civil Action No. 19-3749 (CKK)

DECLARATION OF Gregory Reed Travis

I, Gregory Reed Travis, hereby declare and state as follows:

1. I am a Software Executive and Pilot. I have been involved in software engineering for approximately four decades and have held positions as technology director, senior architect, associate director and Vice President. I have been a founder in four separate technology companies in the areas of Decision Support, Cybersecurity, Healthcare and Software Quality Analysis/Auditing. I am currently the lead software security auditor for a major Department of Defense robotic sensor platform.
2. I am an instrument rated private pilot with over 3,000 hours experience as pilot in command and have owned my own aircraft since 1990. I have written extensively on aviation and technology matters for thirty years, including four separate articles directly addressing the Boeing 737 Max and its automation architecture. My resume is attached hereto as Exhibit A.

3. Per the above, I am intimately familiar with the software development process, including the various methodologies involved (e.g. "Waterfall", "Agile," etc.) strengths and weaknesses of each, etc. I wrote my first FORTRAN program in 1977 at the age of 13 and am currently "fluent" in well over a dozen more languages. Since 2001 I have been involved in a number of software quality assurance audits in the areas of embedded systems, cyber security, healthcare and robotic sensor platforms.

4. I submit this Declaration in support of the Motion of Plaintiff Flyers Rights Education Fund, Inc., for summary judgment on the grounds that the Defendant Federal Aviation Administration (FAA) has improperly invoked Exemption 4 of the Freedom of Information Act (trade secrets and confidentiality) to shield from public disclosure a large number of documents and substantial portions of documents setting out the minimum technical information needed for any independent expert to evaluate advise the public as to the basis for any FAA decision to unground the 737 MAX aircraft.

5. I have reviewed the FAA's Notice of Proposed Rulemaking setting out a proposed Airworthiness Directive approving certain changes to the Boeing 737 MAX aircraft, as a condition for recertification and ungrounding of the aircraft. FAA, *Airworthiness Directives: The Boeing Company Airplanes*, 85 Fed. Reg. 47698 (Aug. 6, 2020), FAA-2020-0686 on www.Regulations.com . This proposal has generated more than 300 mostly unfavorable comments.

6. The FAA proposal omits any technical data to justify the proposed fixes (i.e., turning off the MCAS software and the autopilot whenever there is disagreement between the

two AOA sensors and requiring the aircraft to be flown manually by the pilot to a safe landing zone). For that reason, the FAA proposal raises more questions than it answers.

7. I have reviewed the documents produced by the FAA to FlyersRights in this case, and redactions in those documents. I have also reviewed the Vaughn Index filed by the FAA in this case, including descriptions of the withheld information and of the many documents withheld in their entirety.

8. Many of the documents or portions of documents withheld under FOIA Exemption 4 s "confidential" commercial information, according to the Vaughn Index, consist of Boeing's certification plans; testing methods; means of compliance;" flight test plans and criteria; flight test results; safety analyses; and FAA and government agency or entity comments on safety analyses, all relating to various critical hardware and software components of the 737 MAX or to specific functions of those components.

9. The technical details of how Boeing intends to demonstrate compliance of various equipment and software components with FAA requirements; how Boeing intends to achieve certification of these components by the FAA; the methods of testing; and the results of testing including safety analyses, are the most critical and essential information that would need to be made public in order to disclose the actual basis for any decision by the FAA to unground the aircraft; and in order for any independent expert, aviation journalist, or public interest advocate to advise the public whether there is a sufficient basis for any FAA decision to unground the aircraft.

10. It is not possible for me, personally, to express any view to the public regarding, or to inform the public about the actual basis for, the FAA re-certification process, and about the

issue of whether the 737 MAX is actually safe to fly, without access to the categories of information set out in paragraph 4.

11. For example, in its *Preliminary Summary of the AFAA's Review of the Boeing 737 Max* (Aug. 3, 2020), the FAA claims more than 4,000 hours of flight testing and describes how many crews were involved, what general features were being tested and who had input into the flight plan. But the FAA does not disclose what the test flight plans actually were or any of the specific results of the test flights. Without such information, there is no way to confirm whether the test flight for a particular component or feature actually demonstrated that the component or feature worked properly and safely.

12. It is also not possible to assess whether or not additional failure modes may have been introduced by the changes proposed by Boeing. For example, it is my understanding that the MCAS system will now do differential comparisons between the angle of attack sensor attached to the "A" Flight Control Computer (FCC) and the angle of attack sensor attached to the "B" FCC. Intuitively this would involve a new communication channel between the two FCCs that did not exist when MCAS was originally developed. This is likely to be a significant increase in complexity with attendant risks in terms of communication latency, race conditions, etc. All of which would be a standard part of any audit review.

13. Beginning in early 2019, FAA officials have repeatedly committed to the public and to Congress that the agency would be transparent, specifically about the FAA process to certify a design change for the 737 MAX and ensure it is safe to fly, before any decision to unground the aircraft.

14. Beginning in early 2019, Boeing officials as well repeatedly promised transparency with respect to "every subject," specifically including the certification process.

15. I understand that one of the conditions for finding that information is confidential under Exemption 4 is that the information was communicated to the government agency with some assurance by the agency that the information would be kept confidential.

16. Given that the FAA specifically and publicly committed to transparency with the public with respect to the re-certification process, Boeing could not possibly have believed or understood that FAA was providing any assurance that the information Boeing was providing with respect to certification plans, testing plans, details and results, means of compliance, flight test plans and results, and safety analyses would be kept confidential.

17. To the contrary, Boeing must have clearly understood that the FAA could not meet its commitment to transparency with respect to the certification process without making these categories of information publicly available.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on October 27, 2020

Exhibit A

GREGORY REED TRAVIS

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LinkedIn: http://www.linkedin.com/pub/gregory-travis/3/79/58

Certifications / Clearance

Certified Information System Security Professional (CISSP) ~ U.S. Government Clearance

- ♦ Healthcare IT
- ♦ Electronic Health Records
- ♦ Telehealth
- ♦ Healthcare Data Analytics
- ♦ Security and Information Assurance
- ♦ Risk Assessment
- ♦ Regulatory Compliance & Policies
- ♦ Breach Prevention and Mitigation
- ♦ Software engineering
- ♦ Mobile Computing
- ♦ Cloud Computing
- ♦ Project Management

Executive Highlights

- Software executive and IT technologist. Highly successful career managing software development teams across financial, travel, database, cybersecurity and healthcare sectors. Experienced in all development methodologies from waterfall to agile, including managing geographically diverse teams. Fluent in multiple programming languages. Currently specializing in patient systems, healthcare cybersecurity, database systems, cutting-edge medical research and healthcare integrations -- including cloud-based applications supporting big data initiatives and patient data portability.
    - Comprehensive experience and skills which are immediately applicable to any vertical from aerospace to retail, with no learning curve.
- Published author on a variety of technical and healthcare topics, particular patient engagement / patient relationship management via CRM and the technical & cultural challenges to comprehensive healthcare integrations. Past columnist for MD Alert. Currently columnist for IEEE Spectrum magazine.

Executive Experience

Persistent Systems, Ltd.; India (2016—2019)
DIRECTOR, Healthcare Solutions

www.persistent.com | Health Care | Engagement | Integration | Patient Systems & Data | CRM | Call Centers | Cybersecurity

Led company's healthcare client engagement and CRM integration strategy. Focus on appropriate architectures balancing clinical and non-clinical needs of patient data access against security, performance and functionality challenges in on-premise, off-premise and hybrid customer environments.

Managed engagements, presales and post-sales support and served as principle CRM/patient access architect for healthcare providers. Directed software development teams in the appropriate methods, approaches and strategies for software systems development in the healthcare industry. Specialized in revenue-positive strategies for transition from payment-for-service to payment-for-outcome.

Pioneered use of Salesforce Connect and Marketing Cloud technologies in healthcare environment, enabling consolidated real-time & secure access to patient EHR data within the Salesforce environment.

Authored numerous white papers and published articles on healthcare subjects including data security, integrations, sales and marketing strategies, the nature of data in a healthcare environment and the future of patient-centric engagement in the context of Information Technology.

Supporwell, LLC (2013—2016, 2019-)
MANAGING DIRECTOR

GREGORY REED TRAVIS

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www.supporwell.com | Health Care | Compliance & Auditing | Integration | Patient Systems & Data | Cybersecurity

Supporwell, LLC is a health care IT compliance auditing and consulting firm specializing in the engineering and security assessments of software systems within the healthcare market. In particular, we focus on enabling remote care and the collection of patient metrics (data) to drive improvements in treatment outcomes, medication conformance, diagnostic accuracy and cost containment.

- Founding partner
- Developed one of the first RESTful JSON-based interface engines allowing normalized and abstracted access to patient clinical information stored in underlying Electronic Health Record (EHR) systems – including Epic, Cerner and Centricity.
- Perform risk assessments and develop mitigation processes for issues identified in the assessments
- Evaluate, test and design software systems within the unique needs and constraints of the health care industry. Particular focus on the handling, processing, security and quality assurance of protected health information (PHI)
- Authored numerous articles on health care subjects in publications such as MDAlert, Portland Business Journal, etc.
- Member, National Society Certified Healthcare Business Consultants (NSCHBC)

Thryva, Inc. (2013—2016)
DIRECTOR OF CUSTOMER ENGAGEMENT

www.thryva.com | Health Care | Engagement | Integration | Compliance | Patient Systems & Data | Cybersecurity

Brought onboard to help guide company's vision and strategy for the implementation of health care IT products and services that are responsive to the changing health care landscape in the United States. Business focus on market needs, data analytics, telehealth and non-encounter based patient/provider interaction. Technical focus on continuity of care architecture and security.

- Develop market analysis and technical roadmap for integration of company's products into existing clinical environments.
- Set policies regarding the reception, transmission, storage and use of PHI data. Design authentication methods, encryption requirements, anonymization procedures, etc.
- Create software and infrastructure for the consumption of health data (C-CDA records, vendor EHR records, laboratory results, billing information, etc.)

Scientia, LLC (2012—2016)
PARTNER AND SENIOR COMPUTER SCIENTIST

www.scientiallc.com | National Defense | Cybersecurity Policy & Implementation | AI, ML & Robotics | Agile

Lead strategic planning in the development of architectural and software implementation as a government defense contractor in designing critical software for exclusive military use for highly secure robotic warfare sensor systems including Ground-Based Operational Surveillance (G-BOSS) system. Prescribe solutions that provide immediate ROI while instituting service optimization and system flexibility. Ensure optimal project success and establish trusted advisor status with business and IT stakeholders.

- Mentor to a development staff of more than 13—ensure development practices, define deliverables and hire resources.
- Implemented Agile development practices for internal use as Scrum Master; led standardization efforts for all development practices and processes.
- Managed and coordinated project schedules, project status and reporting—including Information Assurance reviews; maintained performance while ensuring project activities aligned with the clients' business objectives.
- Led software change and release management programs and development and implementation of Service Level Agreements (SLA), DoD Information Assurance Certification and Accreditation Program (DIACAP) and Authority to Operate (ATO).

Persistent Systems, Ltd.; India (2011—2012)
SENIOR CONSULTANT; Cloud Computing; Healthcare and Financial Practice

www.persistent.com | Health Care | Financial | Engagement | Cloud Computing | Offshore Management

GREGORY REED TRAVIS

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Managed engagement and directed all services, offshore resources and architectural design for major scalable enterprise solutions with multi-million $ ROI. Drove proposals and led architectural and strategic direction for delivering IT solutions while aligning technology roadmaps to the client's business strategy. Led complex Healthcare IT projects encompassing business cases, privacy, data retention, data transmission, data safeguarding and technology policies.

- Engagement responsibility for Cardinal Health during the critical deployment of an Oncology Patient/Practice Management application; developed application with mobile support from the ground up to speed up patient treatment and insurance payment processes.
- Responsibility for HIPAA compliance and implementation of meaningful use technology and policies for Cardinal Health's PatientScribe Oncology Management System; required thorough knowledge of Personal Health Information (PHI) policies, leadership and guidance of information security and privacy issues of large complex healthcare IT projects.
- Directed an offshore team developing enhancements for the Intuit Payment Network (IPN) online bill payment system utilizing an Agile Development framework; highly successful project was delivered ahead of schedule.
- Conceptualized and designed application programming interfaces, production and test environments, quality assurance harnesses and test suites.

SGC Technologies, LLC (2005—2014)
MANAGING PARTNER

Health Care | Engagement | Cutting-Edge Technology | Start-Up | P&L | HIPAA Compliance Systems | Product Development

Spearheaded a new start-up company from the ground up—conceptualized and developed business plan, sales collateral, product documentation and company policy manuals. Raised starting capital with equity investment from the Indiana University Research and Technology Corporation and established credibility for product among educational organizations.

- Developed a new and cutting-edge FileShare enterprise documentation collaboration system—developed from "SlashTmp" technology by the Advanced Network management Laboratory at Indiana University; innovative technology extensively utilized for sharing medical information (imagery files) while maintaining regulatory HIPAA compliance.

Indiana University; Advanced Network Management Lab (2001—2010)
ASSOCIATE DIRECTOR / SENIOR SCIENTIST / MANAGER OF NETWORK SECURITY INITIATIVES

National Defense | Cybersecurity R&D | Infrastructure | Resource Management | Million-Dollar Budgets | Product Development

Managed all Research & Design for grant-funded laboratory research initiatives supporting Fortune 50 and Fortune 500 business' such as Microsoft, Cisco, Juniper and the National Security Agency. Led the management of 7 researchers and up to 5 graduate assistants; provided performance reviews, distributed tasks, managed schedules and $million+ budgets. Guided all laboratory communications including media relations, grant proposals, lab reports, web presence and grant process. Led presentations to executive-level stakeholders for funding.

- Designed and developed a cutting-edge cyber-warfare deterrence system (cybersecurity) for the National Security Agency and contributed to the Honeynet Project by implementing SEBEK/WALLEYE forensic technology.
- Conceptualized the design and development of several innovative tools and systems including SpoofWatch IP spoofing detector, WarScope (featured in *MIT Technology Review* and exhibited at Supercomputing 2002); and experimental Linux TCP/IP stacks for wireless operations that led to the development of the Tsunami high-performance WAN file transfer protocol.

Cornerstone Information Systems, Inc. (1997—2001)
VICE PRESIDENT OF SOFTWARE DEVELOPMENT

GREGORY REED TRAVIS

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www.ciswired.com | Engagement | Multimillion-Dollar Growth | Software Roadmaps | Product Development

Drove accelerated growth of the company's core services from $1 million to more than $5 million in sales each year; provided cutting-edge architectural solutions with a strong record of opening sales channels through new application development and developing new opportunities to capture underserved customers. Chief Architect for a strategic product development for a travel management system providing exclusive air travel management for Fortune 50 companies such as IBM and American Express.

- Led all the software development planning, staffing, scheduling and delivery for a staff up to 25 including in-house developers and two outsourced development firms.

Data Parallel Systems, Inc. (1992—1996)
DIRECTOR OF TECHNOLOGY

Founder, Technology Startup | Venture Capital | Database | Massively Parallel | Software Roadmaps | Product Development

Funded by NASA, Digital Equipment Corporation and private venture capital. Drove technology architecture and development for the front-end of a relational database system running on the MasPar and Digital Equipment Corporation family of massively parallel (4k-16k CPUs) supercomputers. System was optimized for Decision Support/Data Warehousing applications. Customers included Army and Air Force Exchange Service and WalMart.

- Authored funding and development proposals
- Managed relationship with off-shore development team
- Author of system's interconnection architecture.
- Wrote ODBC drivers, wrote code for compatibility with Sybase Open Server/Open Client (Microsoft TDS) protocol.
- Designed all system front-end processes

Education

Bachelor of Arts in History—Indiana University

Technical Skills & Accolades

Software Languages: FORTRAN, Assembler (CDC 6000 series, Motorola 68000, PDP-11, Intel 386), C, C++, Objective C, C# (C-Sharp), JavaScript, Java, Perl, PHP, Bourne Shell Scripting, Ruby, Groovy, Grails, Python, HTML5

Platforms: UNIX (All), Linux (All), Mac OS X (registered developer), Windows (All), Embedded (various)

Integration Engines: Dell Boomi (Certified), Intersystems Ensemble (Certified), Mirth, MuleSoft

EHRs: Epic, Cerner, Centricity, Aria, IDX

Awarded "Best Paper"—United States Army's Information Assurance Working Group/IEEE meeting (2007)

Fellow (2009-2011); Indiana University Center for Applied Cybersecurity Research

Private Pilot (Instrument Rated)

Languages: English & French